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1672CV00467 Christina Stevens Trustee of The Lighthouse Realty Trust vs. Town of Bourne Zoning Board of Appeals et al

- Case Type
- Real Property
- Case Status
- Open
- File Date
- 10/03/2016
- DCM Track:
- F - Fast Track
- Initiating Action:
- Zoning Appeal, G.L. c. 40A
- Status Date:
- 10/03/2016
- Case Judge:
-
- Next Event:
-
-

Property Address

Bourne

[All Information](#) [Party](#) [Event](#) [Tickler](#) [Docket](#) [Disposition](#)**Party Information****Stevens, Christina**
- Plaintiff**Alias****Party Attorney**

- Attorney
- Swanson, Esq., Dina Marie
- Bar Code
- 654540
- Address
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- 90 New State Highway
- Raynham, MA 02767
- Phone Number
- (508)823-4567
- Attorney
- Wynn, Esq., Thomas J
- Bar Code
- 535860
- Address
- Wynn And Wynn, P.C.
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- Phone Number
- (508)823-4567

[More Party Information](#)**Town of Bourne Zoning Board of Appeals**
- Defendant**Alias****Party Attorney**

- Attorney
- Troy, Esq., Robert Sweeney
- Bar Code
- 503160
- Address
- Troy Wall Associates
- 90 Old Kings Highway
- Sandwich, MA 02563
- Phone Number
- (508)888-5700

[More Party Information](#)**Molloy, James F**
- Defendant**Alias****Party Attorney**

- Attorney
- Fitch, Esq., Jonathan D
- Bar Code
- 168500
- Address
- PO Box 1346
- Sandwich, MA 02563
- Phone Number
- (774)313-6985

[More Party Information](#)**Events**

| <u>Date</u> | <u>Session</u> | <u>Location</u> | <u>Type</u> | <u>Event Judge</u> | <u>Result</u> |
|---------------------|----------------|-----------------|-----------------------------------|-------------------------|-------------------------|
| 06/30/2017 09:30 AM | Second Session | Courtroom 2 | Rule 16 Conference | | Rescheduled |
| 09/22/2017 09:30 AM | Second Session | Courtroom 2 | Rule 16 Conference | | Held as Scheduled |
| 05/18/2018 09:30 AM | Second Session | Courtroom 3 | Final Pre-Trial Conference | | Held as Scheduled |
| 08/22/2018 09:00 AM | Second Session | Courtroom 2 | Jury Waived Trial | Rufo, Hon. Robert C | Held as Scheduled |
| 05/30/2019 02:00 PM | Second Session | Courtroom 2 | Hearing on Preliminary Injunction | Cannone, Hon. Beverly J | Held - Under advisement |

Ticklers

| <u>Tickler</u> | <u>Start Date</u> | <u>Due Date</u> | <u>Days Due</u> | <u>Completed Date</u> |
|----------------------------|-------------------|-----------------|-----------------|-----------------------|
| Service | 10/03/2016 | 01/03/2017 | 92 | 12/22/2016 |
| Answer | 10/03/2016 | 01/31/2017 | 120 | 12/22/2016 |
| Rule 12/19/20 Served By | 10/03/2016 | 01/31/2017 | 120 | 12/22/2016 |
| Rule 12/19/20 Filed By | 10/03/2016 | 03/02/2017 | 150 | 12/22/2016 |
| Rule 12/19/20 Heard By | 10/03/2016 | 04/03/2017 | 182 | 12/22/2016 |
| Rule 15 Served By | 10/03/2016 | 01/31/2017 | 120 | 12/22/2016 |
| Rule 15 Filed By | 10/03/2016 | 03/02/2017 | 150 | 12/22/2016 |
| Rule 15 Heard By | 10/03/2016 | 04/03/2017 | 182 | 12/22/2016 |
| Discovery | 10/03/2016 | 11/10/2017 | 403 | 03/20/2018 |
| Rule 56 Served By | 10/03/2016 | 12/27/2017 | 450 | 03/20/2018 |
| Rule 56 Filed By | 10/03/2016 | 01/26/2018 | 480 | 03/20/2018 |
| Final Pre-Trial Conference | 10/03/2016 | 05/18/2018 | 592 | 05/18/2018 |
| Judgment | 10/03/2016 | 10/03/2018 | 730 | 12/22/2016 |
| Review Appeals Filed | 02/07/2019 | 03/07/2019 | 28 | 02/26/2019 |
| Review Appeals Filed | 02/07/2019 | 02/07/2020 | 365 | |
| Under Advisement | 05/30/2019 | 06/29/2019 | 30 | |

Docket Information[Docket](#) [Docket Text](#)[File](#)
[Ref](#)
[Nbr.](#)

| Docket Date | Docket Text | File Ref Nbr. |
|-----------------------------|--|-------------------------------|
| 10/03/2016 | COMPLAINT | 1 |
| 10/03/2016 | Civil action cover sheet filed. | 2 |
| 10/17/2016 | Certificate of service of attorney or Pro Se: Dina Marie Swanson, Esq. Affidavit of Compliance with G.L. c.40A, s.17 | 3 |
| 10/21/2016 | APPEARANCE of Jonathan D Fitch, Esq. added as Private Counsel for Defendant James M. Molloy | 4 |
| 12/19/2016 | Notice of voluntary dismissal (41a.l.i) Applies To: Christina Stevens Trustee of The Lighthouse Realty Trust (Plaintiff) | 5 |
| 05/17/2017 | ORDER: Vacating Voluntary Dismissal | 6 |
| 05/18/2017 | Notice to Appear for Rule 16 Conference 6/30/17 @ 9:30 a.m. Sent to DS,JF On: 05/18/2017 | |
| 06/13/2017 | Plaintiff Christina Stevens Trustee of The Lighthouse Realty Trust's Joint Motion to continue / reschedule an event 06/30/2017 09:30 AM Rule 16 Conference | 7 |
| 06/15/2017 | Endorsement on Motion to continue / reschedule an event (#7.0): ALLOWED Continued to September 22, 2017 at 9:30 a.m. | |
| 06/15/2017 | Notice to Appear for Rule 16 Conference 9/22/17 @ 9:30 a.m. Sent to DS,JF,Town of Bourne Zoning Board of Appeals et al On: 06/15/2017 | |
| 07/17/2017 | Defendant James F Molloy's Joint Motion to extend tracking deadline(s) Discovery, Filing of Rule 56, Final Pre-Trial Conference | 8 |
| 07/18/2017 | Endorsement on Motion to extend tracking deadline(s) (#8.0): ALLOWED as to tracking order deadlines as follows; Discovery extended to 11/10/2017; Rule 56 motions served by 12/27/2017 and filed by 1/26/2018; Final Pre Trial May 2018. Rule 16 Conference remains as scheduled. Copy to BZBA, JDF, DMS | |
| 09/26/2017 | WITHDRAWAL OF APPEARANCE FILED for Plaintiff Christina Stevens Trustee of The Lighthouse Realty Trust by Kevin Patrick McRoy, Esq. | 9 |
| 03/20/2018 | Notice to Appear for Final Pre-Trial Conference 5/18/18 @ 9:30 a.m. Sent to DS,JF On: 03/20/2018 | 10 |
| 05/15/2018 | Joint Pre-Trial Memorandum filed: | 11 |
| 05/18/2018 | Pre-Trial ORDER: Trial without jury, 1-2 days, scheduled for 8/22/18. Joint Pre-trial memorandum filed p#11. | 12 |
| 05/23/2018 | ORDER: Non-Jury Trial Order issued this day by Rufo, J. Sent to Judge: Rufo, Hon. Robert C | 13 |
| 05/23/2018 | Notice to Appear for Non-Jury Trial on 08/22/2018 Sent On: 05/23/2018 to DMS; JDF | |
| 08/15/2018 | Plaintiff Christina Stevens Trustee of The Lighthouse Realty Trust files proposed Rulings of Law Applies To: Swanson, Esq., Dina Marie (Attorney) on behalf of Christina Stevens Trustee of The Lighthouse Realty Trust (Plaintiff) | 14 |
| 08/15/2018 | Plaintiff Christina Stevens Trustee of The Lighthouse Realty Trust's Joint Statement of Facts Applies To: Swanson, Esq., Dina Marie (Attorney) on behalf of Christina Stevens Trustee of The Lighthouse Realty Trust (Plaintiff) | 15 |
| 08/15/2018 | Defendant James F Molloy's Statement of Facts Believed to be Disputed by Plaintiff | 16 |
| 08/15/2018 | Defendant James F Molloy files proposed Rulings of Law Applies To: Fitch, Esq., Jonathan D (Attorney) on behalf of Molloy, James F (Defendant) | 17 |
| 08/15/2018 | Witness list Applies To: Fitch, Esq., Jonathan D (Attorney) on behalf of Molloy, James F (Defendant); Swanson, Esq., Dina Marie (Attorney) on behalf of Christina Stevens Trustee of The Lighthouse Realty Trust (Plaintiff) | 18 |
| 08/15/2018 | List of exhibits JOINT - 15 agreed upon exhibits in Black 3 ring binder with case file | 19 |

| Docket Date | Docket Text | File Ref Nbr. |
|-----------------------------|---|-------------------------------|
| 08/22/2018 | <p>TRIAL ACTIVITY:</p> <p>Judge: Fishman, Hon. Kenneth J</p> <p>Applies To: Christina Stevens Trustee of The Lighthouse Realty Trust (Plaintiff); Molloy, James F (Defendant); Fitch, Esq., Jonathan D (Attorney) on behalf of Molloy, James F (Defendant); Swanson, Esq., Dina Marie (Attorney) on behalf of Christina Stevens Trustee of The Lighthouse Realty Trust (Plaintiff)</p> <p>Judge: Fishman, Hon. Kenneth J</p> <p>Judge: Fishman, Hon. Kenneth J</p> | 20 |
| 08/22/2018 | <p>Matter taken under advisement: Jury Waived Trial scheduled on: 08/22/2018 09:00 AM</p> <p>Has been: Held - Under advisement</p> <p>Comments: Post trial briefs to be filed by 9/14/18</p> <p>Hon. Kenneth J Fishman, Presiding</p> <p>Appeared:</p> <p>Plaintiff Christina Stevens Trustee of The Lighthouse Realty Trust Dina Marie Swanson, Esq., Private Counsel</p> <p>Defendant James F Molloy Jonathan D Fitch, Esq., Private Counsel</p> <p>Staff:</p> <p>Scott W Nickerson, Clerk of Courts FTR Barnstable Civil A, Court Reporter</p> | |
| 08/30/2018 | James F Molloy's Memorandum Post Trial argument and memorandum | 21 |
| 09/14/2018 | Christina Stevens Trustee of The Lighthouse Realty Trust's Memorandum Post Trial memorandum | 22 |
| 11/28/2018 | <p>Findings of Fact and Rulings of Law:</p> <p>Order for Judgment: It is hereby ORDERED that judgment shall enter for the defendant and against the plaintiff</p> <p>Judge: Fishman, Hon. Kenneth J</p> <p>(copy mailed to DMS, JDF 12/10/18)</p> | 23 |
| 12/17/2018 | <p>JUDGMENT for Defendant(s), Town of Bourne Zoning Board of Appeals, James F Molloy after trial without jury, the complaint of the Plaintiff(s), Christina Stevens Trustee of The Lighthouse Realty Trust is dismissed on the merits and the defendant(s) will recover statutory costs.</p> <p>That the decision of the Town of Bourne Zoning Board of Appeals dated September 14, 2016, be and hereby is AFFIRMED.</p> <p>(copy mailed to DMS, JDF, Town of Bourne)</p> | 24 |
| 12/24/2018 | <p>Notice of appeal filed.</p> <p>Applies To: Christina Stevens Trustee of The Lighthouse Realty Trust (Plaintiff)</p> | 25 |
| 01/08/2019 | <p>Appeal: Party's Letter received re: no transcript on appeal</p> <p>Applies To: Christina Stevens Trustee of The Lighthouse Realty Trust (Plaintiff)</p> | 26 |
| 02/07/2019 | Notice to Clerk RE: Assembly of Record | 27 |
| 02/07/2019 | <p>Appeal: Statement of the Case on Appeal (Cover Sheet).</p> <p>E-filed to Appeal Court 2/7/2019 and mailed to JDF, DMS</p> | 28 |
| 02/21/2019 | <p>Notice of Entry of appeal received from the Appeals Court</p> <p>Entered February 19, 2019 as docket # 2019-P-467</p> | 29 |
| 05/10/2019 | Defendant(s) James F Molloy's Motion for a Preliminary Injunction (Post-Trial) | 30 |
| 05/10/2019 | Affidavit of James F. Molloy in support of P #30.0 | 30.1 |
| 05/10/2019 | Affidavit of Jonathan D. Fitch in support of P #30.0 | 30.2 |
| 05/10/2019 | James F Molloy's Memorandum in support of P #30.0 | 30.3 |
| 05/10/2019 | Defendant Town of Bourne Zoning Board of Appeals's Notice of Assent to Defendant, James F. Molloy's Motion for Post-Trial Preliminary Injunction | 30.4 |
| 05/10/2019 | Opposition to P #30.0 filed by Christina Stevens Trustee of The Lighthouse Realty Trust | 30.5 |
| 05/10/2019 | <p>Affidavit of compliance with Superior Court Rule 9A</p> <p>Applies To: Fitch, Esq., Jonathan D (Attorney) on behalf of Molloy, James F (Defendant)</p> | 30.6 |

| <u>Docket Date</u> | <u>Docket Text</u> | <u>File Ref Nbr.</u> |
|--------------------|--|----------------------|
| 05/16/2019 | Notice to Appear for Hearing on Preliminary Injunction 5/30/2019 at 2:00pm. Copy mailed to JDF, DMS | |
| 05/28/2019 | APPEARANCE FILED by Robert Sweeney Troy, Esq., for Town of Bourne Zoning Board of Appeals | 31 |
| 05/30/2019 | Hearing on Preliminary Injunction scheduled on 05/30/2019: Held - Under advisement Comments: 2nd Session: FTR (CMH) Appeared: Plaintiff - Dina Marie Swanson, Esq. Defendant - Jonathan D Fitch, Esq. | |
| 06/10/2019 | Endorsement on Motion for a Preliminary Injunction post trial (#30.0): ALLOWED After hearing on May 30, 2019, and review of the relevant case law this court finds that the Defendant has met his burden. Motion for Post-trial Preliminary Injunction is ALLOWED. Copy mailed to JF, DMS | |
| 06/12/2019 | Preliminary Injunction issued for Defendant James F Molloy. It is ordered and adjudged that Plaintiff(s) Christina Stevens Trustee of The Lighthouse Realty Trust and their various attorneys and agents are: 1. Allowing weddings or wedding receptions or similar events to take place at her residential property located at 0 and 1 Lighthouse Lane, Wings Neck, Bourne, MA until final judgment is entered in this case. | 32 |
| 06/13/2019 | Docket Note: Updated docket sheet e-filed to Appeals Court | |

Case Disposition

| <u>Disposition</u> | <u>Date</u> | <u>Case Judge</u> |
|---------------------------|-------------|-------------------|
| Disposed by Court Finding | 12/17/2018 | |